

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 11 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: STEPHEN LEE CHOATE.

No. 17-71980

STEPHEN LEE CHOATE,

D.C. No.

2:16-cv-00813-RFB-GWF

Petitioner,

District of Nevada,

Las Vegas

v.

ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA, LAS
VEGAS,

Respondent,

WILLIAMS and ATTORNEY GENERAL
FOR THE STATE OF NEVADA,

Real Parties in Interest.

Before: WARDLAW, GOULD, and WATFORD, Circuit Judges.

A review of the record shows that on March 29, 2017, the district court dismissed petitioner's petition for a writ of habeas corpus with leave to file an amended petition on a court form. A review of the record also shows that petitioner has not filed an amended petition. There thus does not appear to be an active petition on which this court can order the district court to rule.

Accordingly, petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See*

Bauman v. U.S. Dist. Court, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

All other pending motions are denied as moot. No further filings will be entertained in this closed case.

DENIED.